



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2720-00

27 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 1 June 1953 for four years at age 17. At the time of your enlistment, you had completed nine years of formal education and attained a general classification test (GCT) score of 69 which placed you in mental group IV.

The record reflects that you were advanced to PFC (E-2) and served for nearly 10 months without incident. However, during the five-month period from April to October 1954 you received four nonjudicial punishments (NJP). Your offenses consisted of being out of uniform, two brief periods of unauthorized absence, and disobedience.

Effective 1 January 1955, Marine Corps General Order (MCGO) No. 157 directed the early separation, regardless of an individual's desires, those enlisted Marines who had a GCT score of less than 90 and who were not considered qualified for reenlistment on the date they completed 24 months of active service. Individuals not

meeting reenlistment standards were those who failed to maintain an average proficiency mark of 5 or better and an average conduct mark of 4 or better and who had three or more NJPs.

On 1 June 1955, you had completed 24 months of active service and were released from active duty under honorable conditions and transferred to the Marine Corps Reserve in accordance with MCGO No. 178. You received a general discharge upon the expiration of your obligated service on 31 May 1961.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your military conduct and proficiency averages were 3.87 and 4.9, respectively. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization at the time of your release from active duty.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, low test scores, and the fact that it has been more than 45 years since you were discharged. Your question as to what the two MCGO's shown on your DD Form 214 meant has been addressed in the foregoing paragraphs. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given the record of four NJPs and failure to achieve the required average in conduct. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director